

ENTERED

December 28, 2018

David J. Bradley, Clerk

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

DONNIE RAY SANDERS,	§	
#01660997,	§	
	§	
Petitioner,	§	
v.	§	CIVIL ACTION NO. H-18-4748
	§	
LORIE DAVIS,	§	
	§	
Respondent.	§	

ORDER TO TRANSFER

Petitioner Donnie Ray Sanders (TDCJ #01660997), a state inmate currently in the custody of the Texas Department of Criminal Justice ("TDCJ"), filed a federal petition under 28 U.S.C. § 2254 in this Court, seeking a writ of habeas corpus to challenge his conviction and sentence. See Docket Entry No. 1 at 2.

Federal petitions for habeas corpus for state prisoners "may be filed in the district court for the district wherein such person is in custody or in the district court for the district within which the State court was held which convicted and sentenced him and each of such district courts shall have concurrent jurisdiction to entertain the application." 28 U.S.C. § 2241(d). Petitioner was convicted of his offense in Angelina County, Texas and was incarcerated in Fort Bend County at the Jester III Unit at the time he filed his petition. See Docket Entry No. 1 at 1, 2.

Angelina County, where Petitioner was convicted of his offense, is located in the United States District Court for the

Eastern District of Texas, Lufkin Division. See 28 U.S.C. § 124(c)(6). Fort Bend County, where Petitioner is presently incarcerated, is located in the United States District Court for the Southern District of Texas, Houston Division. See 28 U.S.C. § 124(b)(2).

For the convenience of parties and witnesses, in the interest of justice, a district court may transfer any civil action to any other district or division where it might have been brought. 28 U.S.C. §§ 1404(a) and 1406(a). A habeas application may be transferred in furtherance of justice to the district court within which the state court was held which convicted and sentenced the petitioner. 28 U.S.C. § 2241(d). Because petitioner was convicted in Angelina County, it is more convenient and would further the interests of justice for this action to be handled in the Lufkin Division of the Eastern District of Texas. The records of his conviction, and presumably the attorneys and witnesses, are all located in the Lufkin Division of the Eastern District of Texas. Accordingly, the Court will transfer this habeas petition to the Eastern District of Texas, Lufkin Division, in the furtherance of justice. See id.

Accordingly, it is hereby

ORDERED that this case shall be **TRANSFERRED** to the United States District Court for the Eastern District of Texas, Lufkin Division.

The Clerk shall send a copy of this Order and the entire file

to the United States District Court for the Eastern District of Texas, Lufkin Division, and provide a correct copy of this Order to all the parties of record.

SIGNED at Houston, Texas, on this 26TH day of Dec.,
2018.


EWING WERLEIN, JR.
UNITED STATES DISTRICT JUDGE